

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GUANGO CORREA,	§
	§
Defendant Below-	§ No. 520, 2005
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for Kent County
	§ Cr. ID 0205013182
Plaintiff Below-	§
Appellee.	§

Submitted: December 15, 2005

Decided: January 9, 2006

Before **HOLLAND, BERGER**, and **JACOBS**, Justices.

**ORDER**

This 9th day of January 2006, it appears to the Court that:

(1) On October 21, 2005, the Court received the appellant's notice of appeal from his sentencing on a violation of probation in the Superior Court on April 22, 2005.<sup>1</sup> Pursuant to Supreme Court Rule 6, a timely notice of appeal should have been filed on or before May 23, 2005.

(2) The Clerk issued a notice pursuant to Supreme Court Rule 29(b) directing the appellant to show cause why the appeal should not be

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<sup>1</sup> The appellant's notice purports to appeal from a Superior Court order dated April 12, 2005. A review of the Superior Court docket indicates that a capias for a violation of probation was returned on April 12, 2005. The violation of probation hearing and sentencing was not held until April 22, 2005, however.

dismissed as untimely filed.<sup>2</sup> The appellant filed a response to the notice to show cause on November 8, 2005. The appellant's response does not address the timeliness issue.

(3) Time is a jurisdictional requirement.<sup>3</sup> A notice of appeal must be received by the Office of the Clerk of this Court within the applicable time period in order to be effective.<sup>4</sup> An appellant's pro se status does not excuse a failure to comply strictly with the jurisdictional requirements of Supreme Court Rule 6.<sup>5</sup> Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal cannot be considered.<sup>6</sup>

(4) There is nothing in the record to reflect that appellant's failure to file a timely notice of appeal in this case is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that the within appeal must be dismissed.

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<sup>2</sup>Del. Supr. Ct. R. 6(a)(ii).

<sup>3</sup>*Carr v. State*, 554 A.2d 778, 779 (Del.), *cert. denied*, 493 U.S. 829 (1989).

<sup>4</sup>Del. Supr. Ct. R. 10(a).

<sup>5</sup>*Carr v. State*, 554 A.2d at 779.

<sup>6</sup>*Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland  
Justice